

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

| | | |
|---|---|---------------------|
| GENEVA REED-VEAL, Individually & |) | |
| as Mother &Independent Administrator of the Estate) |) | |
| of SANDRA BLAND, deceased, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 4:15-cv-02232 |
| |) | Judge David Hittner |
| BRIAN ENCINIA, et al., |) | |
| Defendants. |) | |

**PLAINTIFF'S OPPOSED MOTION FOR AN EXTENSION
OF TIME TO RESPOND TO DEFENDANTS,
RAFAEL ZUNIGA, MICHAEL SERGES, DORMIC SMITH,
CYNTHIA WHIDDEN & MATTHEW MILLS'
MOTION FOR SUMMARY JUDGMENT**

Now comes the Plaintiff, Geneva Reed-Veal, individually and as Mother & Independent Administrator of the Estate of SANDRA BLAND, deceased, by and through her attorneys, KARCHMAR & LAMBERT, P.C., and moves this Honorable Court for an extension of time in order to adequately respond to motions for summary judgment filed by Defendants, Rafael Zuniga, Michael Serges, Dormic Smith Cynthia Whidden, Matthew Mills & Waller County, and in support of her motion, Plaintiff states the following:

1) On May 18, 2016 during the time that Plaintiff, Geneva Reed-Veal, was being deposed Defendants, Rafael Zuniga, Michael Serges, Dormic Smith, Cynthia Whidden & Matthew Mills, filed their motion for summary judgement.

2) Though counsel for Waller County was able to find time to file said motion in the middle of deposing Ms. Reed-Veal, he apparently has not had the time to confirm the deposition schedule for several of his clients who are moving for summary judgment.

3) On May 11, 2016, and so he can issue deposition notices for the same, Plaintiff's counsel requested that Waller County's attorney confirm his intention to present the following individuals as a precursor to Plaintiff's responses to other pending motions for summary judgment¹:

July 13

| | |
|--------------------|-------------------|
| Marrienne Williams | 9 am -11 am |
| Sherry Rochen | 11 am – 1 pm |
| Michael Serges | 2:30 pm – 4:30 pm |

July 14th

| | |
|-----------------|-------------------|
| Oscar Prudente | 9 am -11 am |
| Elsa Magnus | 11 am – 1 pm |
| Cynthia Whidden | 2:30 pm – 4:30 pm |

¹ In late April Plaintiff's counsel sought June dates from Defense counsel to depose witnesses but the only dates that worked for Defense counsels' schedule were July 13, 14 & 15.

July 15th

Rafael Zuniga

9 am -11 am

Mark Langdon

11 am – 1 pm

Glen smith

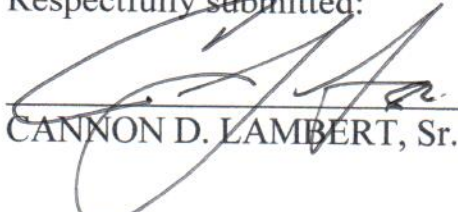
2:30 pm – 4:30 pm

- 4) Since Plaintiff's counsel did not hear back from Waller County's attorney on May 11, 2016, he again asked Waller's lawyer to confirm the above schedule on May 12, 2016 so that deposition notices could be issued. (See Ex. 1; Email chain between all counsel between May 9, 2016 - May12, 2016)
- 5) As of May 18, 2016 Plaintiff's counsel has not received a confirming response from Waller County's attorney.
- 6) As with the previous motions for summary judgment, the motion filed by Rafael Zuniga, Michael Serges, Dormic Smith, Cynthia Whidden & Matthew Mills is premature as Plaintiff has not even been given occasion to depose the defendants in this case.
- 7) Plaintiff needs the opportunity to depose the movants before responding to their motions for summary judgment.

- 8) Plaintiff continues to seek confirmation that Waller County's attorney will present the sought after witnesses (all of whom are under the control of Waller County's attorney) as detailed above so that notices may be issued.
- 9) Plaintiff is currently required to respond to motions for summary judgment filed by Waller County, Oscar Prudente, Elsa Magnus, Marc Langdon, Lanny Thibodeaux, Marianne Williams, Sherry Rochen and Randy Lewis on or before August 15, 2016.
- 10) Given the above Plaintiff needs an extension of time so that she may adequately respond to the new motions for summary judgment filed by Rafael Zuniga, Michael Serges, Dormic Smith, Cynthia Whidden, Matthew Mills & Waller County. She also seeks an extension for Waller County's motion since Waller County's conduct was acted out, in large measure, through its employees.
- 11) An extension to August 31, 2016 will afford Plaintiff's Counsel an opportunity to complete the above depositions, get transcripts from the same and then generate and file her response.

Wherefore, Plaintiff requests this Honorable Court enter an Order allowing Plaintiff to respond to Defendants, Rafael Zuniga, Michael Serges, Dormic Smith, Cynthia Whidden, Matthew Mills & Waller County's motions for summary judgment on or before August 31, 2016. Plaintiff requests any and all other relief as may be deemed just and equitable to and for her.

Respectfully submitted:



CANNON D. LAMBERT, Sr.

PLAINTIFFS' COUNSEL

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EXHIBIT 1

Cannon Lambert

From: Larry Simmons <ljsimmons@germer.com>
Sent: Thursday, May 12, 2016 2:33 PM
To: Cannon Lambert; Larry Simmons; L Rogersjr@prslaw.com; TRhodes@tomrhodeslaw.com; Eliot New; seth.dennis@texasattorneygeneral.gov
Cc: ellen_alexander@txs.uscourts.gov
Subject: RE: Reed-Veal; depositions

The dates are good. Will take me some time to confirm witness availability. I'm in court today and tomorrow.

Larry Simmons
Germer PLLC
(409)880-9305

Sent from my Android phone. Please excuse any autocorrect errors.

-----Original Message-----

From: Dennis, Seth [seth.dennis@texasattorneygeneral.gov]
Received: Thursday, 12 May 2016, 2:07PM
To: Cannon Lambert [cannon@karchmarlambert.com]; Larry Simmons [ljsimmons@germer.com]; Larry Rogers, Jr. (L Rogersjr@prslaw.com) [L Rogersjr@prslaw.com]; Tom Rhodes [TRhodes@tomrhodeslaw.com]; Eliot New [enew@germer.com]
CC: ellen_alexander@txs.uscourts.gov [ellen_alexander@txs.uscourts.gov]
Subject: RE: Reed-Veal; depositions

July 13-15 work for me.

From: Cannon Lambert [mailto:cannon@karchmarlambert.com]
Sent: Thursday, May 12, 2016 2:00 PM
To: Dennis, Seth <seth.dennis@texasattorneygeneral.gov>; Larry Simmons <ljsimmons@germer.com>; Larry Rogers, Jr. (L Rogersjr@prslaw.com) <L Rogersjr@prslaw.com>; Tom Rhodes <TRhodes@tomrhodeslaw.com>; Eliot New <enew@germer.com>
Cc: ellen_alexander@txs.uscourts.gov
Subject: RE: Reed-Veal; depositions

Larry & Seth:

I'm touching base again with you to see if the below dates and times for deposition are agreeable to you. Please get back to me before 2pm tomorrow so that I can get formal dep. notices out accordingly.

Sincerely,

Cannon, Sr.

From: Cannon Lambert
Sent: Wednesday, May 11, 2016 4:14 PM
To: Dennis, Seth; Larry Simmons; Larry Rogers, Jr. (L Rogersjr@prslaw.com); Tom Rhodes; Eliot New
Subject: RE: Reed-Veal; depositions

Larry and Seth :

Pursuant to our April 28th and May 2nd correspondence, wherein Larry indicated that he could make his clients available on July 13,14 and 15th, and since the Honorable Judge Hittner has handed down orders effecting the number of depositions in the case, please note that I would like to depose the following people on said dates:

July 13

- | | |
|-----------------------|-------------------|
| 1) Marrienne Williams | 9 am -11 am |
| 2) Sherry Rochen | 11 am – 1 pm |
| 3) Michael Sergis | 2:30 pm – 4:30 pm |

July 14th

- | | |
|-------------------|-------------------|
| 1) Oscar Prudente | 9 am -11 am |
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July 15th

- | | |
|------------------|-------------------|
| 1) Rafael Zuniga | 9 am -11 am |
| 2) Mark Langdon | 11 am – 1 pm |
| 3) Glen smith | 2:30 pm – 4:30 pm |

You will note that most of the dates comport with your suggestions on what dates your witnesses should be deposed. Michael Sergis, Rochen and Smith are the only ones that do not (Rochen was just moved from July 15th to July 13th).

LARRY – Please confirm, by May 12, 2016, that you will present the above persons on the dates and times set forth above. Since Seth has already confirmed his availability on the 13,14 and 15th of July, I will send formal deposition notices out immediately upon receipt of your confirmation email.

Sincerely,

Cannon, Sr.

From: Dennis, Seth [<mailto:seth.dennis@texasattorneygeneral.gov>]

Sent: Monday, May 09, 2016 11:05 AM

To: Cannon Lambert <cannon@karchmarlambert.com>; Larry Simmons <lsimmons@germer.com>; Larry Rogers, Jr. (Lrogersjr@prslaw.com) <Lrogersjr@prslaw.com>; Tom Rhodes <TRhodes@tomrhodeslaw.com>; Eliot New <enew@germer.com>

Subject: Reed-Veal; depositions

Cannon,

Given the Court's order regarding depositions and the extension of time to respond to the pending motions for summary judgment, can I assume y'all are going to withdraw the deposition notices and reschedule?

Please let me know so I can plan accordingly.

Thanks,

Seth

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

GENEVA REED-VEAL, Individually &)
as Mother &Independent Administrator of the Estate))
of SANDRA BLAND, deceased,))
Plaintiff,))
v.))
BRIAN ENCINIA, et al,))
Defendants.))

No. 4:15-cv-02232
Judge David Hittner

ORDER

Pending before the Court are Defendant, Rafael Zuniga, Michael Serges, Dormic Smith, Cynthia Whidden, Matthew Mills & Waller County, Motion for Summary Judgment (Doc. # 119 & 39). It is hereby

ORDERED that the responses to foregoing motions are extended to on or before August 31, 2016.

SIGNED at Houston, Texas, this _____ day of May, 2016.

The Honorable **DAVID HITTNER**